

**To:** Pierard, Kevin[pierard.kevin@epa.gov]; Aquino, Mark D - DNR[Mark.Aquino@wisconsin.gov]  
**Cc:** Hyde, Tinka[hyde.tinka@epa.gov]; Klassman, Debra[klassman.debra@epa.gov]; Bertolacini, Jim K - DNR[Jim.Bertolacini@wisconsin.gov]; Biersach, Pamela A - DNR[Pamela.Biersach@wisconsin.gov]  
**From:** Lowndes, MaryAnne - DNR  
**Sent:** Tue 5/3/2016 8:45:17 PM  
**Subject:** RE: LAR item related to the current stormwater permit issue  
[WI LAR AG statement.pdf](#)  
[WI NPDES Legal Auth.pdf](#)

Kevin,

After consultation with legal staff we have the following response to your email below:

From Jane Landretti:

The items in the 75 issue letter and in the AG statement affect wastewater permits, issued under 283.31. They make no mention of storm water permits issued under 283.33.

Kevin's email refers to a rule package 5, which is a wastewater rule package and is proceeding on schedule. The storm water rule package was to be rule package 8. The ELGs have never been proposed as part of rule package 8 and EPA has not mentioned their absence from rule package 8 in any discussion since 2011 when we got the 75-issues letter.

Thanks,

Mary Anne

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Mary Anne Lowndes

Phone: 608-261-6420

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**From:** Pierard, Kevin [mailto:pierard.kevin@epa.gov]  
**Sent:** Tuesday, May 03, 2016 9:26 AM  
**To:** Lowndes, MaryAnne - DNR; Aquino, Mark D - DNR  
**Cc:** Hyde, Tinka; Klassman, Debra; Bertolacini, Jim K - DNR; Biersach, Pamela A - DNR  
**Subject:** LAR item related to the current stormwater permit issue

Mark / Mary Anne – I know both of you have raised questions concerning the current problems we identified with the proposed stormwater GPs and the relationship to the legal authority review we conducted in 2011. Attached is the original LAR letter we sent, issue number 7 identified the concern as it relates to the issues currently before us. The Wisconsin AG responded to this issue implying that there was sufficient legal authority to assure that DNR could include limits consistent with federal requirements. The AGs statement is attached. In 2012 we believed that the issues identified in the AGs statement had been resolved but this is clearly not the case. In the LAR context we have discussed a future rule package 5 to address remaining issues including stormwater but there is currently no schedule for this rule package.

Please let us know if you have questions or would like to discuss.